REMARKS

This application has been carefully reviewed in light of the Office Action dated April 24, 2003. Claims 1-6 remain pending in this application. Claim 1 is the independent claim. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1 and 6 under 35 USC § 102(e) as being anticipated by Lin et al. (U.S. Patent No. 6,225,162; hereinafter "Lin"). The Office Action also rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Prinz et al (U.S. Patent No. 6,133,093; hereinafter "Prinz"). The Office Action also rejected Claims 3-5 under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Shrivastava et al. (U.S. Patent No. 6,133,602; hereinafter "Shrivastav"). Applicants respectfully submit that the pending application and claims are patentable for at least the following reasons.

Applicant's Claim 1 recites: "A method of forming a semiconductor structure comprising a substrate having a patterned ONO insulating layer over a portion thereof, and characterized by the steps of forming an insulating layer comprising an Oxide-Nitride-Silicon layered structure on the substrate, applying a photoresist to the silicon surface as part of a patterning process

and stripping the photoresist once a required patterning step has been completed, and subsequently re-oxidizing the silicon layer of the remaining Oxide-Nitride-Silicon structure so as to form an ONO insulating layer structure."

Lin fails to recite or suggest forming an insulating layer comprising an Oxide-Nitride-Silicon layered structure, applying a photoresist to the silicon surface, stripping the photoresist, and re-oxidizing the silicon layer of the remaining Oxide-Nitride-Silicon structure to form an ONO insulating layer. All Lin recites is forming an ONO layer (170) atop a control gate (120, 160) followed by forming a polysilicon layer over the ONO (170), and a photoresist over that to pattern the control gate. (See, e.g., Lin, Col. 5, line 40 to Col. 6, line 9 and Figs. 2i-2k). Lin fails to recite or suggest the steps of even having an Oxide-Nitride-Silicon layer, or generating an ONO by re-oxidizing the silicon layer after stripping the photoresist. Lin only recites forming an ONO according to the prior art method. Thus Lin fails to recite or suggest all the claimed limitations of Applicants' Claim 1, which is believed patentable for at least these reasons.

Claims 2-6 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, however, they are also deemed to define an additional aspect of the invention, and should be individually

considered on its own merits. Further, Applicants respectfully believe that the § 103 rejections of Claims 2-5 to be moot in light of the above remarks and requests their withdrawal.

In view of the foregoing amendments and remarks, Applicants respectfully submits that the currently-pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

By 

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